

**Filed 11/21/16 by Clerk of Supreme Court  
IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

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2016 ND 217

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In the Matter of the Emelia Hirsch, June 9, 1994, Irrevocable Trust

Timothy Betz,

Respondent and Appellant

v.

Emelia A. Hirsch, aka  
Emelia Hirsch, aka Emilia  
Hirsch,

Petitioner

and

Carolyn Twite and Duane Hirsch,

Petitioners and Appellees

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No. 20160189

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Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Gail Hagerty, Judge.

AFFIRMED.

Per Curiam.

Sheldon A. Smith and David J. Smith, P.O. Box 460, Bismarck, ND 58502-0460, for petitioners and appellees; on brief.

Timothy Betz, self-represented, 5118 Hayden Ln., Fayetteville, NC 28304, respondent and appellant; on brief.

**Matter of Emelia Hirsch Trust**

**No. 200160189**

**Per Curiam.**

[¶1] Timothy Betz appealed from a district court order denying a motion to vacate an earlier order which reformed a trust. Because Betz raises the same issues on appeal as in a previously controlling decision from this Court, we affirm under N.D.R.App.P. 35.1(a)(1) and (7). See In re Emelia Hirsch, June 9, 1994, Irrevocable Trust, 2009 ND 135, 770 N.W.2d 225. We further order Timothy Betz to pay attorney's fees of \$1,000 plus double costs under N.D.R.App.P. 38. On this record, we decline to bar Timothy Betz from filing further motions concerning this trust without prior approval of a presiding district court judge when the trustees have not yet asked the district court to do so.

[¶2] Gerald W. VandeWalle, C.J.  
Lisa Fair McEvers  
Carol Ronning Kapsner  
Daniel J. Crothers  
Thomas E. Merrick, D.J.

[¶3] The Honorable Thomas Merrick, D.J., sitting in place of Sandstrom, J., disqualified.